

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

KOSHER SPORTS, INC.,

Plaintiff,

- against -

QUEENS BALLPARK COMPANY, LLC,

Defendant.

ORDER

10-CV-2618

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ MAY 17 2012 ★

BROOKLYN OFFICE

JACK B. WEINSTEIN, Senior United States District Judge:

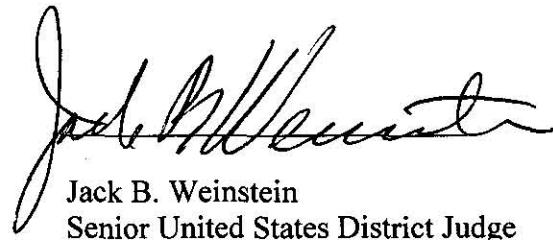
In February 2012, summary judgment was granted in favor of defendant-counterclaim-plaintiff Queens Ballpark Company, LLC (or "QBC") against plaintiff-counterdefendant Kosher Sports, Inc. (or "KSI"); KSI's breach of contract claim against QBC was dismissed and QBC was granted summary judgment on its own breach of contract claim. *See Memorandum and Order, Kosher Sports, Inc. v. Queens Ballpark Company LLC, No. 10-CV-2618 (E.D.N.Y. Feb. 21, 2012), CM/ECF No. 139.* KSI's motion for partial summary judgment was denied.

Respectfully requested from the magistrate judge was the preparation of a Report and Recommendation regarding the appropriate remedy. *See id.* at 4. The magistrate judge prepared a Report and Recommendation in accordance with that request. *See Report and Recommendation, Kosher Sports, Inc. v. Queens Ballpark Company LLC, No. 10-CV-2618 (E.D.N.Y. Mar. 27, 2012), CM/ECF No. 152.* Recommended was the entry of a judgment (1) dismissing KSI's claims; (2) awarding QBC \$55,000 on its counterclaim for breach of contract, that amount being inclusive of interest as well as costs and disbursements; and (3) the dismissal of the second and third counterclaims asserted by QBC. *See id.* at 4. No objection to the

magistrate judge's Report and Recommendation was taken. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2).

The magistrate judge's Report and Recommendation is adopted in full. The Clerk of Court shall enter judgment (1) dismissing the claims of Kosher Sports, Inc.; (2) awarding Queens Ballpark Company, LLC \$55,000 on its first counterclaim (for breach of contract), said amount inclusive of interest as well as costs and disbursements; and (3) dismissing the second and third counterclaims of Queens Ballpark Company, LLC, as duplicative of the breach of contract counterclaim.

SO ORDERED.

A handwritten signature in black ink, appearing to read "Jack B. Weinstein".

Jack B. Weinstein
Senior United States District Judge

Date: May 17, 2012
Brooklyn, New York